

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

UNITED STATES OF AMERICA

v.

KEVIN DESHAWN BARLOW

Case No: 3:03-CR-00016-002

USM No: 19241-058

Joshua Carpenter

Date of Original Judgment: 02/10/2004

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the Motions (Doc. Nos. 191, 206, 208) are:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 322 months **is reduced to** time served plus up to ten days.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

In light of United States v. Lancaster, 997 F.3d 171 (4th. Cir. 2021) and upon the Government's consent, the Court GRANTS Defendant's Motions for Reduction of Sentence under the First Step Act of 2018. (Doc. Nos. 191, 206, 208). Under Lancaster, the Court must recalculate Defendant's Sentencing Guideline Range without factoring in his previous career-offender enhancement. Therefore, Defendant's sentence is reduced to time served plus up to ten (10) days in order for the Bureau of Prisons to process his release.

Except as otherwise provided, all provisions of the judgment dated 02/10/2004 shall remain in effect.

IT IS SO ORDERED.

Signed: July 16, 2021



Frank D. Whitney
United States District Judge

